

**U.S. District Court**  
**United States District Court – District of New Mexico (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-00406-KRS-SCY**

Burke v. Saul et al.  
Assigned to: Magistrate Judge Kevin R. Sweazea  
Referred to: Magistrate Judge Steven C. Yarbrough  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/28/2020  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****James A. Burke**

represented by **Helen Laura Lopez**  
Law Office of Helen Laura Lopez  
238 Griffin Street  
Santa Fe, NM 87501  
505-988-4657  
Fax: 505-988-4658  
Email: [hllawyer@mac.com](mailto:hllawyer@mac.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Andrew Saul**  
*Commissioner of the Social Security Administration*

represented by **Manuel Lucero**  
US Attorney's Office  
District of New Mexico  
PO Box 607  
Albuquerque, NM 87103  
(505) 346-7274  
Email: [manny.lucero@usdoj.gov](mailto:manny.lucero@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Social Security Administration**

represented by **Manuel Lucero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/28/2020	<u>1</u>	COMPLAINT against Social Security Administration ( Filing Fee – Online Payment), filed by James A. Burke. (Attachments: # <u>1</u> Civil Cover Sheet)(Lopez, Helen) (Entered: 04/28/2020)
04/28/2020	2	Filing fee: \$ 400, receipt number ANMDC-7098905 (arp) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/28/2020)
04/28/2020		United States Magistrate Judge Kevin R. Sweazea and United States Magistrate Judge Steven C. Yarbrough assigned. (arp) (Entered: 04/28/2020)
04/28/2020	3	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Kevin R. Sweazea to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. <b>It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint.</b> <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule</i>

		<p><i>16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at <a href="http://www.nmd.uscourts.gov">www.nmd.uscourts.gov</a> for more information and instructions.</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (arp)</p> <p>(Entered: 04/28/2020)</p>
04/28/2020		<p>Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General (arp)</p> <p>(Entered: 04/28/2020)</p>
05/21/2020	<u>4</u>	<p>NOTICE of Appearance by Manuel Lucero on behalf of Andrew Saul, Social Security Administration (Lucero, Manuel) (Entered: 05/21/2020)</p>
05/21/2020	<u>5</u>	<p>CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), Andrew Saul, Social Security Administration voluntarily consent(s) to have United States Magistrate Judge Kevin R. Sweazea conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Lucero, Manuel)</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 05/21/2020)</p>
06/29/2020	<u>6</u>	<p>NOTICE of Appearance by Manuel Lucero on behalf of Andrew Saul, Social Security Administration (Lucero, Manuel) (Entered: 06/29/2020)</p>
06/29/2020	<u>7</u>	<p>MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and to Exhaust Administrative Remedies</i> by Social Security Administration. (Lucero, Manuel) (Entered: 06/29/2020)</p>
06/29/2020	<u>8</u>	<p>MEMORANDUM in Support re <u>7</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and to Exhaust Administrative Remedies</i> filed by Social Security Administration. (Attachments: # <u>1</u> Affidavit Declaration of Mary Ann Zimmerman, # <u>2</u> Exhibit Ex 1 to Declaration, # <u>3</u> Exhibit Ex 2 to Declaration, # <u>4</u> Exhibit Ex 3 to Declaration, # <u>5</u> Exhibit Ex 4 to Declaration) (Lucero, Manuel) (Entered: 06/29/2020)</p>
06/30/2020	<u>9</u>	<p>NOTICE OF CONSENT SUBMISSION DEADLINE: Pursuant to Fed. R. Civ. P. 73(b)(2), the parties are reminded that a magistrate judge was assigned as the trial judge in this matter under 28 U.S.C. 636(c). The parties are advised that the Clerk will reassign this matter to a district judge as the trial judge no later than <b>10 days</b> from the entry of this notice unless consents from all parties have been filed. The parties are free to withhold consent. <i>If you have already entered your consent, you need not resubmit.</i> (kfo)</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 06/30/2020)</p>